

Assembly Bill 2862

Animal Protection Act

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ISSUE

The sponsors of AB 2862, the Animal Protection Institute (API), conducted a spot check of pet stores selling animals in four California cities and found that there are gaps and weaknesses in state laws governing the care of these animals. Visits to 64 pet stores in Los Angeles, Sacramento, San Diego and San Francisco in 2005 revealed the following conditions:

- 66% of the pet stores visited failed to provide environmental enrichment to one or more animals in their care
- 64% failed to provide written information on the care and housing requirements for the animals they sell
- 44% had at least one animal who was sick, injured or showed signs of neglect
- 44% had a least one animal who showed signs of psychological distress
- 39% failed to provide sufficient water and/or nutritionally adequate food for animals
- 37% had one or more animals maintained in an enclosure that was too small or crowded for the animals to move about comfortably or to avoid social aggression from cage mates
- 32% maintained animals in cages with unsanitary conditions
- 25% did not provide animals with sanitary food or water
- 12% of stores had unweaned parrots on the premises

EXISTING LAW

Various sections of the Health & Safety Code, including sections 122137, 122140, 122155, 122190, 122215, and 122220, require that consumers receive information relating solely to dogs and cats sold in pet stores as well as requiring pet stores to provide adequate space, socialization and exercise to dogs.

Penal Code section 597I requires pet shop operators to provide “adequate nutrition,” sanitary housing, and proper heating and ventilation for pet animals in their custody.

THIS BILL

The intent of AB 2862 is to strengthen existing law to ensure animal welfare and protect consumers.

Amendments taken in Senate Business and Professions require that the California Department of Consumer Affairs would, for the first time, be responsible for statewide oversight of pet stores.

Currently, California Code only has protections for the sale of cats, dogs and the weaning of small animals. Other protections vary from each local jurisdiction. AB 2862 requires the California Department of Consumer Affairs would, for the first time, be responsible for statewide oversight of pet stores.

A key concession was made by the pet store industry (who had previously opposed to AB 2862) when they acknowledged that self regulation was not sufficient to provide adequate animal care.

Inhumane treatment of animals at pet stores is unacceptable. The Department of Consumer Affairs can assure that pet store operators will adhere to proper pet care practices.

Once AB 2862 is enacted, the Department of Consumer Affairs will begin the process of developing regulations to govern the care of animals at pet stores, set specific standards of animal care and provide stricter enforcement of pet store operations.

The definition of “pet store” has been fine tuned to make clear that this bill does not apply to the agricultural or farm animals, thoroughbred horses, food sold for consumption, or those breeders that do not breed in a pet store.

SUMMARY

This bill, as amended, would:

- Requires the Department of Consumer Affairs to develop regulations for the oversight of pet stores in the State of California.
- Requires the Department to develop regulations after consultation with affected parties by January 1, 2008.
- Removes the statutory requirements related to specific cage sizes, record keeping standards, veterinary care, employee training and penalties for failure to comply.

FAQs

How do California’s pet store laws compare with other states’ laws?

Twenty-seven states and the District of Columbia establish humane care standards for animals kept at pet stores and sold in a retail environment. These laws require pet store operators to carry out specified duties with respect to the care and sale of the animals. Seventeen states require that pet stores provide veterinary care to sick or

injured animals in their custody, and eighteen states have established housing or cage requirements. While twenty-three states prohibit the sale of some unweaned animals, many of these states limit that protection to puppies and kittens. Only one state (California) addresses the sale of unweaned parrots despite the prevalence of these birds as pets and the serious animal welfare concerns associated with the practice.

What happens to sick or injured animals at pet stores under existing law?

Pet stores selling dogs and/or cats are required to provide veterinary care “without delay.” However, the law does not specify the circumstances under which veterinary care must be provided nor the animals to which it must be provided. Because the cost of veterinary consultation and treatment can exceed the commercial value of an animal, there is incentive for pet stores to deny animals treatment necessary to prevent suffering. This means that animals are sometimes left to suffer or even die from untreated illnesses or injuries. Animals exhibiting symptoms of illness or injury are sometimes removed from public view, but it is not uncommon to find animals on the sales floor exhibiting signs of illness or injury and potentially spreading disease to humans or other animals.

Aren’t pet stores already required to keep the animal cages clean?

State law requires pet shop operators to provide sanitary housing to the pet animals in their custody. Without detailed standards, however, it is difficult to apply and enforce this law. As a result, some animals in pet stores are denied a clean, safe environment. Unsanitary cages and unsanitary food and water can expose animals to bacteria, viruses or fungi that can cause illness or death and that also can pose public health and safety risks to humans.

What are the animal housing standards for pet stores under existing law?

Pet shop operators must provide “adequate space appropriate to the size, weight and species of pet animals.” This standard is not measurable and does not provide adequate guidance to pet store operators. In a retail environment, there is considerable economic advantage in maximizing the amount of “merchandise” kept in a given area. Pet stores are no exception. However, animals in too-small or overcrowded enclosures cannot move around adequately, cannot obtain proper exercise to maintain good health, and cannot avoid social aggression from cage mates. Measurable housing standards based on the type of animal are necessary.

Why the record-keeping requirement?

The legislation requires pet stores to maintain records of animals offered for sale, the origin of the animals offered for sale, and the disposition of the animals. This merely requires basic sales record-keeping that is necessary not only for good business practices but for human health purposes.

AB 2862 would require the pet store owner to make their accounting records available to health officials in the case of a health crisis so they can locate the origin of the animals to isolate the problem.

What would be the penalty for violating this legislation?

This bill would allow for the imposition of a “fix-it” citation, an infraction or a misdemeanor penalty, taking into account the seriousness of the violation and the number of animals affected. For subsequent violations, the penalty would be a misdemeanor. The maximum fine for an infraction is \$250. The maximum penalty for a misdemeanor is a \$1,000 fine and 6 months in jail.

What will be the cost of this bill to the State?

There will be no cost to the State as this falls within the purview of local animal

control agencies. California law already governs the care and treatment of animals at pet stores; this legislation merely strengthens existing law.

Is this bill duplicative to provisions in the Health and Safety Code?

No. The Health and Safety Code covers health issues regarding the care of birds, dogs and cats.

Does this bill apply to agricultural animals or thoroughbred horses?

No. This bill only applies to animals sold in pet stores.

BACKGROUND

- American households include as many as 73.9 million dogs, 90.5 million cats, 148 million fish, 16 million birds, 11 million reptiles and 18 million other animals. Many of these animals come to consumers through retail purchase at pet stores.
- Sales of companion animals totaled \$1.6 billion in 2004 and Americans will spend \$35.9 billion on merchandise associated with the needs of their companion animals this year.
- According to the American Pet Product Manufacturers Association laws that establish baseline standards for the care and treatment of animals housed and sold at retail establishments impact both the consumer and the welfare of the individual animal.

SUPPORT

Animal Protection Institute (Sponsor)
American Society for the Prevention of
Cruelty to Animals (ASPCA)
Animal Legislative Action Network
Animal Switchboard
Association of Veterinarians for Animal
Rights
Avian Welfare Coalition
Best Friends Animal Society

California Animal Association
California Animal Control Directors
Association (CACDA)
California Federation for Animal Legislation
Channel Island Protection Association
Coalition for Pets & Public Safety
East Bay Animal Advocates
House Rabbit Society
In Defense of Animals
Mickaboo Cockatiel Rescue
Orange County People for Animals
Parrots First
Pet Industry Joint Advisory Council
PETCO
PetsMART
People for the Ethical Treatment of Animals
Reigning Cats & Dogs Pet Supplies
Sacramento SPCA
San Diego Animal Advocates
Squawk & Howl Pet-Sitting
Tailwaggers Pet Food & Supplies
The Avian Welfare Coalition
The Squawk Store Pet Supplies
The Humane Society of the United States
The Indonesian Parrot Project-
Project Bird Watch
United Animal Nations
Wild Connection
A number of individual pet owners

OPPOSITION

None on the amended version of the bill

STATUS

2/24/06– Introduced
4/18/06- Passed Assembly Business and
Professions (6-3 vote)
5/04/06- Passed Assembly Appropriations
(12-5 vote)
5/31-06- Passed the Assembly Floor (45- 32
vote)
6/19/06- Heard in Senate Business and
Professions Committee, held over
for next hearing
8/14/06- Passed Senate Business and
Professions Committee with
author's amendments (3 to 1)

8/15/06- Passed Senate Appropriations and
pursuant to Senate Rule 28.8, the
bill is placed on second reading.

8/23/06- Passed by the Senate (28 to 12)

8/30/06- Senate amendments were
concurrent in (64 to 15)

FOR MORE INFORMATION

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